

No. 4,944,072). The Examiner rejected claims 5, 6, and 9 under 35 U.S.C. § 103 as being unpatentable over the Robson patent. The Examiner objected to claims 7 and 10, but indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim. Applicants thank the Examiner for indicating allowable subject matter.

Objection to Specification

The Examiner objected to Applicants' disclosure in that "a grip portion" and "a tongue-like receiving portion" were both referenced by the same numeral (8). (*Office Action*, p. 2.) As shown above, Applicants have amended the specification, at page 12, line 15, to refer to the correct reference number for the tongue-like receiving portion, namely, reference numeral 9. No new matter has been added by this amendment. Applicants submit that the Examiner's objection to the specification has been overcome by this amendment.

35 U.S.C. § 112

The Examiner rejected claims 3, 4, and 11 under § 112 as indefinite. With respect to claim 3, the Examiner asserted that the terms "the flat base plate" and "the tongue-like receiving portion" lacked sufficient antecedent basis. (*Office Action*, p. 2.) As shown above, Applicants have amended claim 3 to recite "a flat base plate" and "a tongue-like receiving portion."

With respect to claim 4, the Examiner asserted that the phrase "wherein each of the pair of the snap elements has the grip portion protruded beyond the base portion" renders this claim indefinite. (*Office Action*, 3.) Applicants have amended claim 4 to recite "wherein each of a pair of the snap elements." The Examiner also asserted that

the term "the mating base plate" lacked sufficient antecedent basis. (*Id.*) Applicants have amended this term to "a mating base plate."

With respect to claim 11, the Examiner asserted that the terms "the center lines" and "the same line" lacked sufficient antecedent basis. Applicants have deleted the word "the" before "center lines," and amended "the same line" to "a same line."

No new matter has been added by the amendments to claims 3, 4, and 11. Applicants submit that these amended claims are sufficiently definite.

Claims 1-11

Again, the Examiner stated that claim 7 would be allowable if rewritten in independent form. As shown above, Applicants have canceled claim 7, and amended claim 1 to include the limitations of canceled claim 7. No new matter has been added by these amendments. Applicants submit that amended claim 1 is in condition for allowance. Because claims 2-6 and 8-11 all depend from claim 1, these claims should be allowable for at least the same reasons that claim 1 is allowable. See, e.g., M.P.E.P. § 2143.03 ("If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.") (*citing In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Claims 12-21

As shown above, Applicants have also added new claims 12-21. New claim 12 generally includes the language of as-filed claims 1 and 9. New claims 13-21 generally track the language of claims 2-8, 10, and 11, respectively (including the amendments to claims 3, 4, and 11 shown above). No new matter has been added by these new claims.

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To establish a *prima facie* case of obviousness, the Examiner must satisfy three requirements, one of which is to show that the prior art reference or the combination of references teaches or suggests all of the limitations of the claims. See, e.g., *In re Wilson*, 165 USPQ 494, 496 (C.C.P.A. 1970). Applicants assert that the Robson patent does not disclose or suggest at least "a plurality of pairs of snap elements capable of engaging with or disengaging from each other in an opposing direction" or "base portions of the base plates being attached on a pair of attached bodies at a predetermined interval such that they oppose each other" of claim 12.

The Robson patent is directed to profiled fasteners. This patent discloses mating, complementary parts 11, 12, one of which has a bead 13 and the other having a recess 14. (The Robson patent, col. 3, lines 55-58.) The bead 13 engages in the recess 14 to maintain the fastener closed. (*Id.* at col. 3, lines 58-61.) The Robson patent discloses that:

The fasteners illustrated in FIGS. 1 to 5 and 9 are elongate, flexible fasteners with continuous, uniform cross sections, opening of which, after start thereon by said recess deformation, is continued progressively by pulling the two parts 11, 12 apart, the bead 13 at the position where the fastener is half open holding open the entrance 10 to the recess 14 whereby the next adjacent bead portion can be pulled out.

(*Id.* at col. 4, lines 36-43.) This patent further discloses:

The fastener, as shown in FIGS. 7 and 10, is an elongate flexible fastener which is segmented lengthwise, which is to say has a plurality of regularly-distributed breaks in its cross sections, so that the opening of any segment does not open the entrance of an adjacent segment sufficiently to allow the bead 13 therein to come out. The fastener is segmented lengthwise by notches 121. However, it may also be segmented by inclusions of reduced-modulus material at the locations of the notches 121.

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(*Id.* at col. 4, lines 47-56.) FIG. 10 of the Robson patent seems to illustrate a part 11 having a plurality of beads 13, a part 12 having a plurality of recesses 14, with each bead 13 engaging in a respective recess 14.

The Robson patent further discloses:

The fastener can be used as a closure for textiles, having attachment edges 11a, 12a on parts 11 and 12, respectively, for connecting to textiles. The fastener can be sewn to textiles, the attachment edges 11a, 12a being adapted for needle penetration . . .

(*Id.* at col. 5, lines 33-40.)

Accordingly, the Robson patent only teaches a single pair of parts 11, 12 for a fastener. To the extent that the Examiner argues that the parts 11, 12 are a pair of snap elements, Applicants assert that the Robson patent does not disclose or suggest a plurality of these parts 11, 12, but instead discloses that these are a single pair of parts 11, 12 that are elongate. Therefore, the Robson patent does not disclose or suggest "a plurality of pairs of snap elements capable of engaging with or disengaging from each other in an opposing direction."

In addition, the Robson patent only teaches that each part 11, 12 has an attachment edge 11a, 12a, respectively, for attachment to textiles. In other words, the entire length of the parts 11, 12 at edges 11a, 12a, respectively, would each be attached to a textile, and, therefore, not at predetermined intervals. In contrast, Applicants' claim 12 recites, in part, "base portions of the base plates [of each of the pair of snap elements are] attached on a pair of attached bodies at a predetermined interval such that they oppose each other."

For the foregoing reasons, Applicants believe that claim 12 is in condition for allowance. For at least the same reasons, all of its dependent claims, namely, claims 13-21, should also be in condition for allowance.

Conclusion

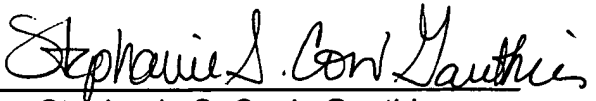
In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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APPENDIX A
Version with markings to show changes mad to specification

Please amend the specification as follows:

Please replace the paragraph beginning at page 12, line 7, with the following new paragraph:

In the other snap element 2, a base portion 5' of the flat base plate 4 is attached integrally on an edge portion 18 of the attached body 16 by injection molding. The through engaging hole portion 7 is made in the center of the base plate 4 and an engagement protrusion 10 which is protruded slightly inward is provided in the center of a side face of the engaging hole portion 7, so that the engaging head 6, which is expanded in its cross section, is engaged therewith. A tongue-like receiving portion [8] 9, which is protruded slightly obliquely downward, is provided on a side opposite to the attaching side of the base plate 4 or base portion 5', so that the base portion 5 of the base plate 4 of the snap element 1 can be received.

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APPENDIX B

Version with markings to show changes made to claims 1, 3, 4, and 11

1. (Amended) A snap fastener comprising a pair of snap elements capable of engaging with or disengaging from each other in an opposing direction, wherein the one snap element thereof has an engaging head provided protrudedly on a base plate, while the other snap element has an engaging hole portion provided in [a] another base plate, with which the engaging head is capable of engaging, an attached body being attached onto a base portion of each base plate, at least [any] one of the snap elements having a grip portion while the other snap element [having] has a receiving portion making contact with the base portion of said one snap element, and at least one of the snap elements having an attaching plate provided on the base portion of the base plate, the attaching plate having insertion holes through which the attached body is capable of being inserted.

3. (Amended) A snap fastener according to claim 1, wherein one of the snap elements has the base portion protruded from an end of [the] a flat base plate so as to have an L-shaped cross section while the other snap element has [the] a tongue-like receiving portion provided at an end of a flat base plate.

4. (Amended) A snap fastener according to claim 1, wherein each of [the] a pair of the snap elements has the grip portion protruded beyond the base portion of [the] a mating base plate at an end of each base plate, while the receiving portion is provided inward of the grip portion.

11. (Amended) A snap fastener according to claim 1, wherein the attached bodies attached on the base portions of the base plates of the snap elements are disposed such that [the] center lines of the attached bodies are on [the] a same line.

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